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PATENT

Attorney Docket No.: A-Attorney Docket No.: A-69235-3/DJB/RMS/DCF

IN THE UNITED STATES PATENT AND TRADEMARK OFFICEIn re Application of:

GUNDERSON et al.

Serial No. 10/045,575

Filed: October 26, 2001

For: DETECTION OF NUCLEIC ACID
REACTIONS ON BEAD ARRAYS

Examiner: Not Yet Assigned

Group Art Unit: Not Yet Assigned

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Christine P. Peters

INFORMATION DISCLOSURE STATEMENT
AND
STATEMENT OF RELATEDNESS

Assistant Commissioner
for Patents
Washington, DC 20231

Sir:

In satisfaction of the duty of disclosure under 37 C.F.R. § 1.56, and in accordance with the provisions of 37 C.F.R. §§ 1.97 and 1.98, Applicant wishes to draw the attention of the U.S. Patent and Trademark Office to the references cited on the accompanying form PTO-1449.

Since copies of all the references were provided either by the Applicant or the Examiner in the following related U.S. Applications; Serial No. 09/553,993, filed April 20, 2000; and U.S.S.N. 09/556,463, filed April 21, 2000, upon which the instant application relies for its priority date, in accordance with 37 C.F.R. § 1.98(d), no copies of the references are enclosed.

In accordance with the provisions of 37 C.F.R. §§ 1.97(c) and 1.97(e)(1), the undersigned certifies that reference 18, 61, 77, 100-101, 110, and 138 listed on the enclosed form PTO-1449 was cited in the International Search Report dated November 08, 2001, for a counterpart PCT

Serial No.: 10/045,575

Filed: October 26, 2001

application. A copy of the International Search Report for the counterpart PCT application is enclosed herewith.

With respect to patent applications, the applicants point out their duty under M.P.E.P. §2001.06(b) to disclose relevant patent applications of which they are aware. To this end, the applicants draw the Examiner's attention to the following patent applications:

1. United States Serial Number 09/425,633, filed October 22, 1999; U.S.S.N. 09/535,854, filed March 27, 2000.
2. U.S.S.N. 09/517,945, filed March 3, 2000 and U.S.S.N. 10/021,906, filed December 12, 2001.
3. U.S.S.N. 09/513,362, filed February 25, 2000.
4. U.S.S.N. 09/556,463, filed April 21, 2000, and U.S.S.N. 09/553,993, filed April 20, 2000.
5. U.S.S.N. 08/818,199, filed March 24, 1997, now Patent No. 6,023,540; U.S.S.N. 09/151,877, filed September 11, 1998, now Patent No. 6,327,410; U.S.S.N. 09/786,896, filed September 10, 1999; U.S.S.N. 09/450,829, filed November 29, 1999, now Patent No. 6,266,459; U.S.S.N. 09/816,651, filed March 23, 2001; U.S.S.N. 09/840,012, filed April 20, 2001; U.S.S.N. 09/925,292, filed August 08, 2001; and U.S.S.N. 10/005,201, filed December 04, 2001.
6. U.S.S.N. 08/944,850, filed October 6, 1997; U.S.S.N. 09/287,573, filed April 6, 1999.
7. United States Serial Number 09/189,543, filed November 10, 1998; U.S.S.N. 09/344,526, filed June 24, 1999; U.S.S.N. 09/748,706, December 22, 2000.
8. U.S.S.N. 09/256,943, filed February 24, 1999; U.S.S.N. 09/473,904, filed December 28, 1999; U.S.S.N. 09/606,369, filed June 28, 2000.

Serial No.: 10/045,575

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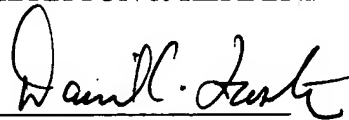
None of the foregoing references are believed to disclose the invention as claimed. Nothing herein shall constitute an admission concerning the contents of any of the cited references, nor shall the inclusion of a reference herein be considered an admission that the reference constitutes prior art against the invention claimed in the above-identified application. Submission of the present document shall not be construed as an admission that a search has been made or that better art does not exist.

This Information Disclosure Statement is being filed within three months of the filing date of a national application, within three months of the date of entry of a national stage, or before the mailing date of a first Office Action on the merits, 37 C.F.R. § 1.97(b), and therefor no fee is required. The Commissioner is authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 06-1300 (Our Order No. A-69235-3/RMS/DCF).

Respectfully submitted,

FLEHR, HOHBACH, TEST,
ALBRITTON & HERBERT

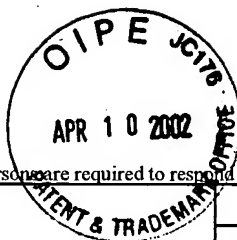
Dated:  March 27, 2002



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1078876

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PTO/SB/8A (08-00)

Approved for use through 10/31/2002. OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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Substitute for form 1449A/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(use as many sheets as necessary)</i>				Complete if Known	
				Application Number	10/045,575
				Filing Date	October 26, 2001
				First Named Inventor	Gunderson et al.
				Group Art Unit	Not Yet Assigned
				Examiner Name	Not Yet Assigned
Sheet	1	of	7	Attorney Docket Number	A-69235-3/RMS/DCF

U.S. PATENT DOCUMENTS						
Examiner Initials*	Cite No. ¹	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number	Kind Code ² (if known)			
	1	5,494,810		Barany et al.	02/1996	
	2	5,830,711		Barany et al.	11/1998	
	3	5,856,083		Chelsky et al.	01/1999	
	4	5,858,732		Solomon et al.	01/1999	
	5	6,013,456		Akhavan-Tafti	01/2000	
	6	6,051,380		Sosnowski et al.	04/2000	
	7	6,054,564		Barany et al.	04/2000	
	8	6,083,763		Balch	07/2000	
	9	6,110,678		Weisburg et al.	08/2000	
	10	6,172,218	B1	Brenner	01/2001	
	11	6,251,639	B1	Kurn	06/2001	
	12	6,268,148		Barany et al.	07/2001	
	13	5,854,033		Lizardi	12/1998	
	14	5,554,516		Kacian et al.	09/1996	
	15	5,541,311		Dahlberg et al.	07/1996	
	16	5,660,988		Duck et al.	08/1997	

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		Office ³	Number ⁴	Kind Code ² (if known)				
	17	WO	93/25563	A1	City of Hope	12/1993		
	18	WO	97/31256	A3	Cornell Research Foundation	08/1997		
	19	WO	97/40385	A1	Seul, M.	10/1997		
	20	WO	98/13523	A1	Pyrosequencing AB	04/1998		
	21	WO	00/58516	A2	Whitehead Institute for Biomedical Research	10/2000		

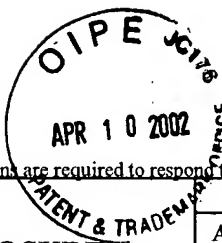
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		Number	Kind Code ² (if known)			
	22	5,474,895		Ishii et al.	12/1995	
	23	5,610,287		Nikiforov	03/1997	
	24	5,763,175		Brenner	06/1998	
	25	5,604,097		Brenner	02/1997	
	26	5,679,524		Nikiforov et al.	10/1997	
	27	5,780,231		Brenner	07/1998	
	28	5,795,714		Cantor et al.	08/1998	
	29	6,027,889		Barany et al.	02/2000	
	30	4,822,746		Walt	4/1989	
	31	5,002,867		Macevicz	3/1991	
	32	5,114,864		Walt	5/1992	
	33	5,105,305		Betzig et al.	4/1992	
	34	5,143,853		Walt	9/1992	
	35	5,028,545		Soini	7/1991	

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		Office ³	Number ⁴	Kind Code ² (if known)				
	36	WO	99/67641		Illumina Inc.	12/1999		
	37	WO	00/39587		Illumina Inc.	07/2000		
	38	WO	00/47996		Illumina Inc.	08/2000		
	39	WO	00/48000		Illumina Inc.	09/2000		
	40	WO	00/63437		Illumina Inc.	10/2000		
	41	WO	00/71243		Illumina Inc.	11/2000		
	42	WO	00/71995		Illumina Inc.	11/2000		
	43	WO	00/75373		Illumina Inc.	12/2000		

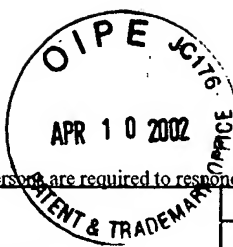
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				Filing Date	October 26, 2001
				First Named Inventor	Gunderson et al.
				Group Art Unit	Not Yet Assigned
				Examiner Name	Not Yet Assigned
Sheet	3	of	7	Attorney Docket Number	A-69235-3/RMS/DCF

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		Number	Kind Code ² (if known)			
	44	5,244,636		Walt et al.	9/1993	
	45	5,244,813		Walt et al.	9/1993	
	46	5,250,264		Walt et al.	10/1993	
	47	5,252,494		Walt	10/1993	
	48	5,254,477		Walt	10/1993	
	49	5,298,741		Walt et al.	3/1994	
	50	5,320,814		Walt et al.	6/1994	
	51	5,496,997		Pope	3/1996	
	52	5,512,490		Walt et al.	4/1996	
	53	5,573,909		Singer et al.	11/1996	
	54	5,633,972		Walt et al.	5/1997	
	55	4,499,052		Fulwyler	2/1985	

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		Office ³	Number ⁴	Kind Code ² (if known)				
	56	WO	96/30392	A1	COBA-Geigy AG	10/1999		
	57	WO	97/46704	A1	Lynx Therapeutics, Inc.	12/1997		
	58	WO	98/31836	A1	Hyseq, Inc.	07/1998		
	59	WO	99/64867	A1	Amersham Pharmacia	12/1999		
	60	WO	00/71992	A1	Illumina, Inc.	11/2000		
	61	EP	0 478 319			4/1992		
	62	EP	0 269 764			6/1988		
	63	WO	93/02360			2/1993		

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		Number	Kind Code ² (if known)			
	64	5,690,894		Pinkel et al.	11/1997	
	65	5,194,300		Cheung	3/1993	
	66	5,132,242		Cheung	7/1992	
	67	4,200,110		Peterson et al.	4/1980	
	68	4,824,789		Yafuso et al.	4/1989	
	69	4,682,895		Costello	7/1987	
	70	4,785,814		Kane	11/1988	
	71	5,518,883		Soini	5/1996	
	72	4,999,306		Yafuso et al.	3/1991	
	73	5,302,509		Cheeseman	4/1994	
	74	5,357,590		Auracher	10/1994	
	75	5,435,724		Goodman et al.	7/1995	

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		Office ³	Number ⁴	Kind Code ² (if known)				
	76	WO	89/11101			11/1989		
	77	WO	97/14028			4/1997		
	78	EP	0 723 146			7/1996		
	79	WO	98/40726			9/1998		
	80	EP	0 392 546			10/1990		
	81	WO	98/53093			11/1998		
	82	WO	98/53300			11/1998		
	83	WO	96/03212			2/1996		
	84	WO	99/60170			11/1999		

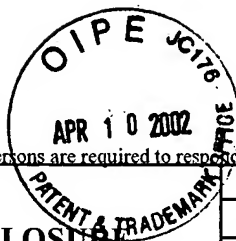
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Sheet 5 of 7

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	85	5,481,629		Tabuchi	1/1996	
	86	5,575,849		Honda et al.	11/1996	
	87	5,639,603		Dower et al.	6/1997	
	88	5,656,241		Seifert et al.	8/1997	
	89	5,814,524		Walt	10/1998	
	90	5,863,708		Zanzucchi et al.	1/1999	
	91	6,023,540		Walt et al.	2/2000	
	92	5,494,798		Gerdt et al.	2/1996	
	93	5,565,324		Still et al.	10/1996	
	94	5,516,635		Ekins et al.	5/1996	
	95	5,900,481		Lough et al.	5/1999	
	96	5,888,723		Sutton et al.	3/1999	
	97	5,380,489		Sutton et al.	1/1995	
	98	5,840,256		Demers et al.	11/1998	
	99	5,854,684		Stabile et al.	12/1998	

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		Office ³	Number ⁴	Kind Code ² (if known)				
	100	WO	98/50782			11/1998		
	101	WO	99/18434			4/1999		
	102	WO	00/13004			3/2000		
	103	WO	00/16101			3/2000		
	104	WO	00/04372			1/2000		
	105	WO	99/67414			12/1999		

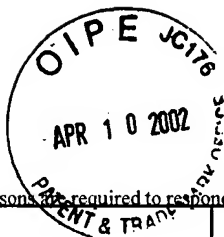
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Sheet	6	of	7	Attorney Docket Number	A-69235-3/RMS/DCF

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	106	Chen et al., "A Microsphere-Based Assay for Multiplexed Single Nucleotide Polymorphism Analysis Using Single Base Chain Extension," <i>Genome Research</i> , 10(4):549-557 (2000).		
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	117	Pantano et al., "Ordered Nanowell Arrays," <i>Chem. Mater.</i> , 8(12): 2832-2835 (1996).		
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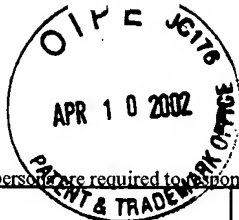
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INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(use as many sheets as necessary)</i>				Application Number	10/045,575
				Filing Date	October 26, 2001
				First Named Inventor	Gunderson et al.
				Group Art Unit	Not Yet Assigned
				Examiner Name	Not Yet Assigned
Sheet	7	of	7	Attorney Docket Number	A-69235-3/RMS/DCF

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	120	Anonymous, "Fluorescent Microspheres," Tech. Note 19, Bangs Laboratories, (Fishers, IN) February 1997.	
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